

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>LEWIS BRISBOIS BISGAARD &amp; SMITH, LLP AMY L. GOLDMAN, SBN 134088 E-Mail: Amy.Goldman@lewisbrisbois.com LOVEE D. SARENAS, SBN 204361 Email: lovee.sarnas@lewisbrisbois.com MARIA L. GARCIA, SBN 276135 Email: maria.l.garcia@lewisbrisbois.com 633 West 5<sup>th</sup> Street, Suite 4000 Los Angeles, CA 90071 Tel.: 213.250.1800 Fax: 213.250.7900</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Chapter 7 Trustee Todd Frealy</p>		<p>FOR COURT USE ONLY</p>	
<p><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION</b></p>			
<p>In re:</p> <p>STEPHEN HAY and LEIGH ANNE HAY,</p>		<p>CASE NO.: 6:18-bk-18967-WJ CHAPTER: 7</p>	
<p>Debtor(s).</p>		<p><b>NOTICE OF SALE OF ESTATE PROPERTY</b></p>	

<b>Sale Date:</b> August 4, 2020	<b>Time:</b> 1:00 p.m.
<b>Location:</b> Courtroom 304, 3420 Twelfth Street, Riverside, CA 92501	

Type of Sale: ☒ Public ☐ Private

**Last date to file objections: 07/21/2020**

**Description of property to be sold:** the estate's rights, title and interest in two vacant lots commonly known as 12 & 13 Wapiti Drive, Sandpoint, ID 83864, APN: RP041520000120A & 130A ("Property") for an all cash purchase of \$120,000.00 ("Purchase Price") to Brian and Preshella Marshall ("Buyers") or a successful overbidder on the terms set forth in the sale documents attached to the Motion (collectively, "Purchase Agreement").

**Terms and conditions of sale:** please see Attachment to this Notice

**Proposed sale price:** \$120,000 subject to overbids

Overbid procedure (*if any*): please see Attachment to this Notice

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If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

August 4, 2020 at 1:00 p.m.

United States Bankruptcy Court

Courtroom 304

3420 Twelfth Street

Riverside, CA 92501

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Contact person for potential bidders (*include name, address, telephone, fax and/or email address*):

Lovee D. Sarenas and Maria L. Garcia

Lewis Brisbois Bisgaard & Smith, LLP

633 West 5<sup>th</sup> Street, Suite 4000

Los Angeles, CA 90071

Tel.: 213.250.1800

Fax: 213.250.7900

Email: lovee.sarenas@lewisbrisbois.com; and  
maria.l.garcia@lewisbrisbois.com

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Date: 07/13/2020

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**ATTACHMENT**

**A. Terms and Conditions of Sale:**

- a. The Trustee agreed to sell to the proposed buyers Brian and Preshella Marshall ("Buyers") or to a successful overbidder approved by the Trustee and the Court, on the terms set forth in the sale documents (collectively, "Purchase Agreement") attached to the Motion, the estate's rights, title and interest in the Debtors' two vacant lots located at 12 & 13 Wapiti Drive, Sandpoint, ID 83864, APN: RP041520000120A & 130A ("Property"), in exchange for the payment of \$120,000.00 ("Purchase Price") in an all cash transaction.
- b. The sale is on an "as is" and "where is" basis, without any representation or warranty whatsoever except that the Property is being sold free and clear of all claims, liens, encumbrances and interests pursuant to 11 U.S.C. § 363(f). The preliminary title report on the Property reflects the following liens and security interests that have been recorded against the Debtors' Property as of the Petition Date: None.
- c. An earnest money deposit in the sum of \$12,000.00 ("Earnest Money Deposit") has been delivered to Better Escrow Service upon the execution of the Purchase Agreement. If the Buyers are not the successful purchaser or if the sale to the Buyers is not approved by the Bankruptcy Court, the Earnest Money Deposit will be fully refunded to Buyers. If Buyers are the successful purchasers but fail to close escrow, the Earnest Money Deposit becomes non-refundable.
- d. The sale of the Property is subject to an overbid procedure described below to be approved by the Bankruptcy Court. Any potential overbidder shall be required to provide an earnest money deposit of not less than \$12,000. The sale is subject to incremental overbids of not less than \$2,500.
- e. The Motion seeks a finding of a good faith purchaser within the meaning of 11 U.S.C. § 363(m).
- f. The Motion seeks authorization for the payment of a 10% brokers' commission due at the close of escrow pursuant to 11 U.S.C. § 328. The brokers' commission shall be paid as follows: 4% to Mark Hall Real Estate, the Buyers' broker, on the one hand, and 3% to KWR Coeur d'Alene and 3% to KWR South Bay/KW Commercial, the Trustee's real estate agents, on the other hand. No commission shall be due and payable except from the cash proceeds from the sale and upon closing of such sale. The Trustee believes the brokers' commission is fair and reasonable. Additionally, the estimated costs of sale are believed to be 8% of the Purchase Price; and there is no known tax liability to the estate as a result of the sale.
- g. The Motion seeks a waiver of the 14-day stay pursuant to Fed. R. Bankr. Proc. 6004(h).

**B. Overbid Procedure:**

- a. **Overbid Requirements.** Any party wishing to participate in the overbid process must notify the Trustee or the Trustee's professionals of his/her/its intention to do so and evidence of ability to fund and to close the sale no later than three (3) business days before the hearing on the Motion.

The Buyers are entitled to overbid. Each party participating in the overbid process (except for the Buyers who paid the Earnest Money Deposit) must remit to the Trustee, prior to the hearing on the Motion, a deposit in the form of a cashier's check or money order made payable to the Trustee, solely in his capacity as Chapter 7 Trustee, in the amount of \$12,000.00. The deposit shall not be refundable if such party is the successful bidder and is thereafter unable to complete the purchase of the Property per the terms of the proposed sale after entry of an order approving this Motion.

- b. **Bidding At Sale.** Each party or their authorized representative (including the Buyers) must be present telephonically at the hearing on the Motion in order to participate in the overbid process. Any initial overbid for the Property must be in an amount not less than \$122,500 (i.e., \$2,500 more than the Purchase Price). Subsequent minimum bid increments shall be set at not less than \$2,500. Any party participating in the overbid process shall not be precluded from continuing to make bids after initially

passing his/her/its turn or turns to overbid.

- c. **Closing of Sale and Forfeiture of Deposits.** The successful bidder must pay the full amount of the successful bid to the Trustee within fifteen (15) calendar days after the entry of an order granting the Motion. In the event that the Buyer is not the successful bidder of the Property, the successful bidder shall then become the buyer under the same terms and conditions as set forth in the Purchase Agreement and shall waive all contingencies regarding the purchase of the Property. If the successful bidder cannot deliver the balance of the overbid sale price within fifteen (15) calendar days after the entry of an order granting the Motion, the Trustee shall be authorized to accept the offer made by the next highest bidder and the successful bidder's deposit shall be non-refundable.
- d. **Backup Bidder.** The qualified bidder who submits the second best/highest bid for the Property may be designated as the backup bidder. If the successful bidder cannot deliver the balance of the overbid sale price within fifteen (15) calendar days after the entry of an order granting the Motion, the Trustee shall be authorized to accept the offer made by the next highest bidder and the successful bidder's deposit shall be non-refundable. In the event the backup bidder cannot deliver the balance of the overbid sale price within fifteen (15) calendar days after written notice from the Trustee, the backup bidder's deposit shall be non-refundable.

In the event the Bankruptcy Court enters an order that authorizes the sale to another bidder and the Buyers are not a backup bidder, the Trustee shall refund the entire Earnest Money Deposit to the Buyers within ten (10) calendar days following entry of such order of the Bankruptcy Court. In the event the Buyers are not the winning bid but are the backup bidder, the Trustee shall refund the entire Earnest Money Deposit to the Buyers only if the sale closes to the winning bidder and within ten (10) calendar days following such closing.

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**PROOF OF SERVICE**

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 633 W. 5<sup>th</sup> Street, Suite 4000, Los Angeles, CA 90071.

A true and correct copy of the foregoing document described as **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

**I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF")** - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On July 13, 2020, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the email address(es) indicated below:

Jenny L Doling - JD@jdl.law, dolingjr92080@notify.bestcase.com  
Todd A. Frealy (TR) - taftrustee@inbyb.com, taf@trustesolutions.net  
Lovee D Sarenas - lovee.sarenas@lewisbrisbois.com  
Lisa Seabron - lseabron@weingarten.com  
Summer M Shaw - ss@shaw.law, shawsr70161@notify.bestcase.com; shawsr91811@notify.bestcase.com  
United States Trustee (RS) - ustpreion16.rs.ecf@usdoj.gov

[ ] Service information continued on attached page

**II. SERVED BY U.S. MAIL OR OVERNIGHT MAIL** (indicate method for each person or entity served):

On July 13, 2020, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

[ X ] Service information continued on attached page

**III. SERVED BY PERSONAL DELIVERY, FACSIMILE TRANSMISSION OR E-MAIL** (indicate method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on July 13, 2020, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method) by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that personal delivery on the judge will be completed no later than 24 hours after the document is filed.*

**BROKERS:**

wdarrowfiedler@gmail.com; tom.villelli@gmail.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

July 13, 2020  
Date

Marion Diamond  
Type Name

  
Signature

**Re: Stephen Hay and Leigh Anne Hay**

**CASE NO.: 6:18-bk-18967-WJ**

**SERVICE LIST**

**BY U.S. MAIL:**

**DEBTORS:**

Stephen Hay  
aka Stephen Douglas Hay  
23053 Roundup Way  
Apple Valley, CA 92308

**DEBTOR'S COUNSEL**

J. DOLING LAW, PC  
36-915 Cook Street, Ste 101  
Palm Desert, CA 92211

**JOINT DEBTOR:**

Leigh Anne Hay  
23053 Roundup Way  
Apple Valley, CA 92308

**BUYERS:**

Brian Marshall and Preshella Marshall  
1222 Pine St.  
Sandpoint, ID 83864

**TRUSTEE:**

Todd A. Freely (TR)  
3403 Tenth Street, Suite 709  
Riverside, CA 92501

**U.S. TRUSTEE:**

**UNITED STATES TRUSTEE (RS)**

3801 University Avenue, Suite 720  
Riverside, CA 92501-3200

**THE HONORABLE WAYNE JOHNSON:**

United States Bankruptcy Court  
Central District of California  
Riverside Division  
3420 Twelfth Street, Suite 384 / Courtroom 304  
Riverside, CA 92501-3819

**CREDITORS:**

A&A Food Service Co., Inc.  
1370 W. 9th Street  
Upland, CA 91786

American Express  
PO Box 297871  
Fort Lauderdale, FL 33329

American Express Bank, FSB\*  
Attn: Kenneth Chenault, CEO  
4315 S. 2700 West  
Salt Lake City, UT 84184

American Express National Bank  
c/o Becket and Lee LLP  
PO Box 3001  
Malvern PA 19355-0701

ARS National Services, Inc.  
PO Box 469100  
Escondido, CA 92046-9100

Balboa Capital Corporation  
2010 Main Street, Suite 1100  
Irvine, CA 92614

Banc of America Merchant Services  
1600 Terrell Mill Road SE  
Suite 400  
Apple Valley, CA 92308-2731

Bank of America, N.A.  
Attn: Brian T. Moynihan, CEO  
Legal Order Processing  
PO Box 15047  
Wilmington, DE 19850-5047

Bank of America, N.A.  
c/o C T Corporation System  
Agent for Service of Process  
818 West Seventh Street, Suite 930  
Los Angeles, CA 90017

Bank of America, N.A.  
Attn: Brian T. Moynihan, CEO  
150 North College Street  
NC1-028-17-06  
Charlotte, NC 28255

Bank of America, N.A.  
PO Box 982238  
El Paso, TX 79998

Bank of America, N.A.  
Attn: Brian T. Moynihan, CEO  
PO Box 5170  
Attn: Unit CA6-919-01-41  
Simi Valley, CA 93062

Bank of America, N.A.\*  
ATTN: Brian T. Moynihan, CEO  
100 North Tryon Street  
Charlotte, NC 28202

Builders & Tradesmen's Insurance  
6610 Sierra College Boulevard  
Suite E  
Rocklin, CA 95677

California Board of Equalization\*  
Account Information Group, MIC:29  
PO Box 942879  
Sacramento, CA 94279-0029

California Department of Tax and Fee  
Administration (functional successor  
to Board of Equalization 7/1/17)  
PO Box 942879  
Sacramento CA 94279-0055

Central Credit Service LLC  
500 North Franklin Turnpike  
Suite 200  
Ramsey, NJ 07446

Citibank, N.A.\*  
Attn: Gene McQuade, CEO  
701 East 60th Street, North  
Sioux Falls, SD 57104

Citibank, N.A.  
Citibank, N.A.  
701 East 60th Street North  
Sioux Falls, SD 57117

Civil Process Clerk  
Office of the U.S. Attorney  
Room 7516, Federal Building  
300 North Los Angeles Street  
Los Angeles, CA 90012

Costco Go Anywhere Citicard  
PO Box 6190  
Sioux Falls, SD 57117

County Of San Bernardino  
268 W Hospitality Ln 1st Fl  
San Bernardino CA 92415

Daily Press  
13891 Park Avenue  
Victorville, CA 92392

Department of Education /582/Nelnet  
121 S 13th Street  
Lincoln, NE 68508

Department of Education /582/Nelnet  
PO Box 82505  
Lincoln, NE 68501

Department of Education\*  
Office of General Counsel  
400 Maryland Ave. SW Room 6E353  
Washington, DC 20202-2110

Desert View Endoscopy Center FAC  
12595 Hesperia Road  
Suite 100  
Victorville, CA 92395-5882

Discover Bank\*  
Attn: David W. Nelms, CEO  
502 E. Market Street  
Greenwood, DE 19950

Discover Personal Loan  
PO Box 30954  
Salt Lake City, UT 84130

ECMC  
PO Box 16408  
Saint Paul, MN 55116-0408

Education Department  
Office of General Counsel  
400 Maryland Ave. SW Room 6E353  
Washington, DC 20202-2110

Employment Development Department  
Bankruptcy Group MIC92E  
P.O. Box 826880  
Sacramento, CA 94280-0001

First Data  
5565 Glenridge Connector NE  
Suite 2000  
Atlanta, GA 30342

First Data  
5565 Glenridge Connector NE, Ste  
2000  
Atlanta, GA 30342

Frontier Communication  
PO Box 5157  
Tampa, FL 33675

Haybirds Hotdogs, LLC  
23053 Roundup Way  
Apple Valley, CA 92308

Internal Revenue Service\*  
Centralized Insolvency Operation  
PO Box 7346  
Philadelphia, PA 19101-7346

Loma Linda University  
Behavioral Medicine Center  
File 54170  
Los Angeles, CA 90074-4170

Loma Linda University Health Care  
268 West Hospitality Lane  
#300  
San Bernardino, CA 92408

Loma Linda University Medical Center  
File 7964  
Los Angeles, CA 90074

M & T Bank  
Attn: Bankruptcy  
PO Box 844  
Buffalo, NY 14240

M & T Bank  
1 Fountain Plaza  
Buffalo, NY 14203

McCarthy, Burgess & Wolff  
26000 Cannon Road  
Cleveland, OH 44146

Media Collections, Inc. dba  
Joseph, Mann & Creed  
8948 Canyon Falls Boulevard  
Suite 200  
Twinsburg, OH 44087

Mike Jasberg  
141 Broken Tee Drive  
Washoe Valley, NV 89704

NCM  
9110 E. Nichols Avenue  
Suite 200  
Englewood, CO 80112

Nelnet  
PO Box 82505  
Lincoln, NE 68501

Nelnet  
121 South 13th Street, Suite 201  
Lincoln, NE 68508

Nelnet Loans  
3015 S Parker Road  
Aurora, CO 80014

Northstar Location Services, LLC  
4285 Genesee Street  
Buffalo, NY 14225-1943

Oscar Valdez - Tax Collector  
County of San Bernanrdino  
268 West Hospitality Lane  
San Bernardino, CA 92415-0360

Reyes Coca-Cola Bottling, LLC  
PO Box 740214  
Los Angeles, CA 90074-0214

Southern California Edison  
PO Box 600  
Rosemead, CA 91771

Southwest Gas Corporation  
PO Box 98890  
Las Vegas, NV 89193-8890

Specialty Insurance Agency  
PO Box 24  
New Richmond, WI 54017

State of California\*  
Franchise Tax Board  
Bankruptcy Section MS A340  
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Sacramento, CA 95812-2952

Technology Insurance Company  
An AmTrust North America  
800 Superior Avenue E  
Cleveland, OH 44114

Technology Insurance Company, Inc.  
800 Superior Avenue East  
21st Floor  
Cleveland, OH 44114

The Gastro Group, Inc.  
12595 Hesperia Road, Suite 101  
Victorville, CA 92395-5882

U.S. Department of Education  
c/o Nelnet  
121 South 13th Street, Suite 201  
Lincoln, NE 68508

U.S. Trustee  
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Riverside, CA 92501

United States Dept. of Education  
Litigation Support  
400 Maryland Avenue, SW  
Washington, DC 20202

Weingarten Realty Investors  
2600 Citadel Plaza Drive  
Suite 125  
Houston, TX 77008

Wells Fargo Bank, N.A.  
PO Box 14517  
Des Moines, IA 50306

Wells Fargo Bank, N.A.  
Wells Fargo Card Services  
PO Box 10438, MAC F8235-02F  
Des Moines, IA 50306-0438

Wells Fargo Bank, N.A.  
c/o CSC - Lawyers Inc. Service  
Agent for Service of Process  
251 Little Falls Drive  
Wilmington, DE 19808



Wells Fargo Bank, N.A.\*  
ATTN: Timothy J. Sloan, CEO  
101 North Phillips Avenue  
Sioux Falls, SD 57104

Wells Fargo Home Mortgage  
8480 Stagecoach Circle  
Frederick, MD 21701

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PO Box 924133  
Houston, TX 77292-4133

WRI Jess Ranch Venture  
PO Box 301074  
Dallas, TX 75303-1074

WRI Jess Ranch Venture  
formerly WRI Alliance Riley Venture  
c/o Weingarten Realty Investors  
2600 Citadel Plaza Dr., Suite 125  
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Attn: Jenny J. Hyun, Esq.